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- A. Claims 2 and 3 are drawn to a LCD element wherein a chiral nematic liquid crystal material is used for the liquid crystal layer.

If species A is elected, then one of the sub-species may also be elected:

- A1. Claims 4 and 7 are drawn to an LCD element wherein a chiral nematic liquid crystal material is used for the liquid crystal layer, wherein at least part of the front side electrode comprises a plurality of segment electrodes, and the rear side electrode is a single common electrode arranged so as to correspond to all the segment electrodes, or the rear side electrode is a plurality of common electrodes arranged so as to correspond to each plurality of segment electrodes; or
- A2. Claims 5, 6, and 8 are drawn to an LCD element wherein a chiral nematic liquid crystal material is used for the liquid crystal layer, wherein at least a part of the front side electrode is stripe-like electrodes and at least a part of the rear electrode is stripe-like electrodes, said stripe-like electrodes of the front side electrode and the rear side electrode being arranged so as to be crossed in the substrate plane.

- B. Claims 15 and 16 are drawn to an LCD element wherein an antiferroelectric liquid crystal material is used for the liquid crystal layer.

If species B is elected, then one of the sub-species may also be elected:

- B1. Claims 17 and 19 are drawn to an LCD element wherein an antiferroelectric liquid crystal material is used for the liquid crystal layer, wherein at least a part of the front side electrode comprises a plurality of segment electrodes, and the rear side electrode is a common electrode arranged so as to correspond to all the segment electrodes, or the rear side electrode is a common electrode arranged so as to correspond to each plurality of segment electrodes; or
- B2. Claims 18 and 20 are drawn to an LCD element wherein a antiferroelectric liquid crystal material is used for the liquid crystal layer, wherein at least a part of the front side electrode is stripe-like electrodes and at least a part of the rear electrode is stripe-like electrodes, said stripe-like electrodes of the front side electrode and the rear side electrode being arranged so as to be crossed in the substrate plane to effect a dot matrix display.

If Group II is elected, then elect either C or D as follows:

- C. Claims 9 and 11-14 are drawn to methods for using an LCD element wherein a chiral nematic liquid crystal material is used for the liquid crystal layer; or

D. Claims 15 and 16 are drawn to methods for using an LCD element wherein an antiferroelectric liquid crystal material is used for the liquid crystal layer.

Applicants elect, with traverse, Group I, Claims 1-8, 10, and 15-20, for further prosecution. In addition, Applicants elect, with traverse, species A and sub-species A2, as a single disclosed species. Claims 1-8 and 10-14 read on the elected species.

Applicants note that the claims of Group II are directly dependent on the claims of Group I, and therefore it is improper to separate these groups.

In regard to Groups I and II, the Office has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the process for using the product can be practiced with an “in-plane switched LCD element”. However, the Office has not provided reasons and/or examples to support this conclusion. Further, the Office has failed to show that the proposed process is materially different from the claimed process. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants traverse the Restriction Requirement on the additional grounds that the Office has not shown that a burden exists in searching all the claims of the present application.

Moreover, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

Applicants respectfully traverse the Election of Species Requirement on the grounds that the Office has not provided any reasons, whatsoever, to support the conclusion of patentable distinctness. Rather, the Office has merely stated the conclusion.

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. MPEP §808.01(a). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct. Accordingly, Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only.

Finally, with respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction and Election of Species Requirement. Withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Additionally, MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected group be found allowable, non-elected process claims should be rejoined.

Applicants further submit that this application is now in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

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Docket No.: 205040US0

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/813,988
Applicants: Noriko SUEHIRO, et al.
Filing Date: March 22, 2001
For: LIQUID CRYSTAL DISPLAY ELEMENT AND
LIQUID CRYSTAL DISPLAY APPARATUS
Group Art Unit: 2871
Examiner: RUDE

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT (5 pp.)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

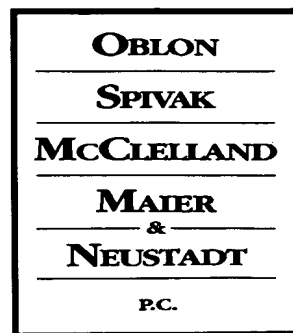
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